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Skyryse, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and
DOES NOS. 1-50,

Defendants.

SKYRYSE, INC.,

Counterclaimant,

v

MOOG INC.,

Counterclaim-Defendant.

CASE NO. 2:22-cv-09094-GW-MAR

**DECLARATION OF MICHAEL
BANDEMER IN SUPPORT OF
DEFENDANT AND
COUNTERCLAIMANT SKYRYSE,
INC.'S OPPOSITION TO MOOG'S
MOTION TO ENFORCE
COMPLIANCE WITH MARCH 11,
2022 STIPULATED TRO AND FOR
MONETARY AND ADVERSE
INFERENCE SANCTIONS**

Judge: Hon. George H. Wu
Crtrm: 9D

DECLARATION OF MICHAEL BANDEMER

I, Michael Bandemer, declare as follows:

1. In July 2022, Berkeley Research Group, LLC (“BRG”) was engaged by Skyryse, Inc. through its outside counsel Latham & Watkins LLP, to conduct a forensic analysis of electronically stored information (“ESI”).

2. This report is based upon information currently known to me. I reserve the right to rely upon additional information that becomes available to me after the date of this report, and to amend, supplement, or modify this report to reflect such information or if further research or analysis warrants. I reserve the right to present demonstrative exhibits and/or visual aids to help explain my opinions at trial.

3. My billing rate is \$610 per hour. My compensation does not depend on the outcome of this litigation.

4. I am a Managing Director with BRG, and the national practice leader of BRG’s Discovery and Forensic Technology Services group. That practice group provides, among other things, consulting and expert services in the area of computer forensics, electronic discovery, and other associated technology advisory services to corporations, law firms, and governments in the United States and abroad.

5. I have more than 20 years of experience in investigations, technology, and forensic matters. I advise both corporate clients and law firms on information technology, digital forensics, and e-discovery issues. I have served as the lead investigator in over a thousand matters and performed or supervised the forensic collection and analysis of ESI from corporate networks, databases, personal computers (Mac and PC), phones, tablets, external storage devices, internet, and other digital storage media. I am regularly retained as a business consultant and expert for litigation matters to examine computer evidence for the purpose of identifying, recovering, analyzing, explaining, and reporting the observed activity and the state of the evidence.

1 6. Attached as **Exhibit C1** is my current curriculum vitae. My CV contains
2 a full description of my educational background, professional achievements,
3 qualifications, publications, and prior expert testimony.

4 **I. Summary of Conclusions**

5 **A. Alex Wang**

6 7. Using digital forensics tools and analysis I was able to recover or match
7 275 of the 277 files that FTI identified Mr. Wang as having deleted after the filing
8 of Moog's complaint. The two unrecovered files appear from their metadata to be
9 similar to files that I did recover. I also re-analyzed Mr. Wang's deletion activity
10 from that period and identified another seven files that FTI had not previously
11 identified. These additional files were either recovered or did not contain user-
12 generated content.

13 **B. Tri Dao**

14 8. Using digital forensics tools and the Ivanti Log produced by Moog, I
15 identified the 39,278 files copied from Tri Dao's Moog laptop to external USB
16 storage devices. Many of these files are related to commercially available third-party
17 products. I also identified the 7,679 files copied from Mr. Dao's external USB
18 storage device to his Skyrise laptop which are all related to Arduino, an open-source
19 prototyping software for microcontrollers. Mr. Dao only opened two of the 7,679
20 files which are two python programming scripts and I understand from Mr. Baer's
21 declaration that these do not appear to be Moog confidential or proprietary
22 information. Baer Decl. ¶¶ 93-94.

23 **C. Eric Chung**

24 9. I identified the 11 RBT spreadsheets in Mr. Pixley's declaration and I
25 understand further analysis of those spreadsheets can be found in Mr. Baer's
26 declaration. Baer Decl. ¶¶ 63-65. Mr. Baer's declaration analyzes several zip files
27 with ASTE related files that Moog claimed were its non-public information
28 downloaded by Alin Pilkington. But the creation date of the relevant ASTE zip file

1 was May 13, 2011, which I understand from Moog's complaint is prior to Mr.
2 Pilkington worked at Moog. The last modified dates for the files in the ASTE zip
3 file range from June 2007-May 2011 which I understand from Moog's complaint is
4 before Mr. Pilkington worked at Moog.

5 **D. Reid Raithel**

6 10. I reviewed the Ivanti Log from Reid Raithel's Moog laptop and
7 identified files copied to USB 2. Of these files, the file referenced in paragraph 47
8 of Mr. Pixley's declaration was copied to USB Drive 2. The logs on Mr. Raithel's
9 Skyryse laptop that record the disks and volumes connected to it do not indicate a
10 device like USB 2 was connected to Mr. Raithel's Skyryse laptop.

11 **II. Alex Wang Analysis**

12 11. I have reviewed the declaration of Bruce Pixley dated March 16, 2023.
13 From my review of it, I understand Mr. Pixley did not provide an opinion on
14 recovery or deletion of files including those deleted by Alex Wang.

15 12. I have reviewed court filings showing that in April 2022, Skyryse
16 alerted Moog and the Court that one of its employees, Alex Wang, deleted
17 potentially relevant information from his Skyryse laptop after receiving a litigation
18 hold notice. Dkt. 156 at 10-16. Skyryse engaged a digital forensic firm, FTI, to
19 investigate the deletion activity and to attempt to recover the deleted files. *Id.* at 11.
20 FTI determined that Mr. Wang had attempted to delete 277 files. *Id.* at 12-14. Of
21 these files, FTI determined that 233 files related to the videogame The Witcher 3.
22 *Id.* at 13. FTI found these files in Mr. Wang's recycle bin and was able to recover
23 them. *Id.* at 14. FTI determined that Mr. Wang had emptied the 44 remaining files
24 from his recycle bin. *Id.* at 12. FTI was able to recover 12 of those 44 files and,
25 based on examining those files, determined that they appeared to contain Skyryse
26 information. *Id.* As of June 14, 2022, there were 32 files from the original list of
27 277 that FTI was unable to recover. *Id.*

28 13. I spoke with individuals from FTI to get an understanding of the work

1 it had performed. I then re-performed the forensic analysis of the 277 files identified
2 by FTI to attempt to recover them. In addition to analyzing the deleted files
3 identified by FTI, I also re-analyzed Mr. Wang's recycle bin deletion activity.

4 14. As part of my analysis, I reviewed the recovered files and also
5 performed additional research regarding the types of files that I recovered. Nearly
6 all of the 44 non-videogame files that I recovered appear to be related to CAD, or
7 computer-aided design, drawings of wiring schematics.

8 15. I understand that Mr. Wang was employed by Skyrise as an electrical
9 engineer. Based on my review of his computer I have confirmed that he used a
10 program called TurboCAD to create numerous drawings of wiring schematics.
11 TurboCAD creates CAD drawings with .tcw file extensions. I did not observe
12 evidence of deletion of any .tcw files from Mr. Wang's laptop after March 8, 2022,
13 which is the date on which I understand Moog served its complaint on Skyrise. The
14 vast majority of the non-videogame files that I recovered were files with the
15 extensions .bak and .pdf, which I understand likely relate to the CAD drawings with
16 the .tcw file extensions. According to page 236 of the TurboCAD user guide manual,
17 when a CAD drawing is edited and saved in TurboCAD, the program automatically
18 creates a backup file of the drawing with a .bak file extension and by default the
19 backup file is saved in the same folder as the original drawing. *See Exhibit C2*
20 *(Excerpt of 2021 TurboCAD User Guide)*. A CAD drawing can also be saved or
21 printed as a PDF using TurboCAD so that the file can be emailed or viewed outside
22 of the TurboCAD program. Files with .bak and .pdf extensions that were created
23 from native .tcw files would likely contain information that is duplicative of the
24 information contained in the native file at that point in time.

25 **A. Recovery of Files – FTI List**

26 16. I attempted to recover the 277 files identified by FTI in June 2022. I
27 performed this work by extracting the files directly from unallocated or unused space
28

1 of the hard drive and from Volume Shadow Copies¹ found on Mr. Wang's Skyryse
2 computer and by using file metadata, including, for example, file signatures, file
3 names, file sizes, and file created/modified dates to locate the files on Mr. Wang's
4 Skyryse computer or Google Drive.

5 17. BRG identified 4 volume shadow copies on Mr. Wang's Skyryse
6 computer; the earliest volume shadow copy was created on April 5, 2022. BRG
7 accessed the volume shadow copies using EnCase, an industry standard forensic
8 software program, and exported the files that were deleted from the recycle bin.
9 **Exhibit C3** attached to this report provides a complete listing of the files that
10 I analyzed.

11 18. Based on this work, I confirmed that 233 of the 277 files related to the
12 videogame The Witcher 3 and that they remained in Mr. Wang's recycle bin and
13 were recoverable. That left 44 files remaining from FTI's list. I first analyzed 12
14 files that FTI identified as recovered in June 2022. Dkt. 156 at 12.

15 19. I was able to recover 10 of these 12 files directly from Mr. Wang's
16 Skyryse laptop and confirm that they appear to contain wiring schematics. The two
17 other files that I recovered were corrupted files (Files 40 and 46). BRG was unable
18 to open these files. Files may be corrupted for various reasons such as software errors
19 that occur when a file is opened, or when a disk is malfunctioning or when portions
20 of a deleted file are overwritten.

21 20. The two corrupt files that I recovered were .bak files. They contain file
22 signatures² that appear to be intact and match those of other similar .bak files
23 generated by TurboCAD.³ Using the metadata from these two files I was able to

24 ¹ A volume shadow copy is a snapshot in time of a volume (e.g., C: drive) that is
25 automatically generated by Windows at periodic intervals or triggered by changes
26 in the volume such as the installation of a new application. A volume shadow copy
allows the entire volume to be reverted to when the snapshot was created.

27 ² A file signature consists of the first few bytes of data saved in a file that designate
its file type. The file signature is found within the first 20 bytes of file saved in
28 Windows.

³ TurboCAD is a software application for 2D and 3D design and drafting.

1 identify the source CAD drawings for these .bak files. *See Exhibit C4.*

2 21. **File 40 (\$REBOFEV.bak)** was created on February 16, 2022, and on
3 the same day the TurboCAD file “WiringDiagram4.TCW” was opened. The
4 “WiringDiagram4.TCW” file’s last modified timestamp (February 16, 2022, at
5 23:14:08 UTC) matches the \$REBOFEV.bak file’s last accessed timestamp
6 (February 16, 2022 at 23:14:08 UTC) which is consistent with the automatic backup
7 process performed by TurboCAD when a file is saved multiple times during an
8 editing session. This corresponding native CAD drawing is still located on
9 Mr. Wang’s computer. I understand this file has been made available to Moog in
10 discovery.

11 22. **File 46 (\$RQOR2AC.bak)** was created on March 7, 2022, at 20:08:04
12 UTC. On this day, the TurboCAD file “E101_REV_A.tcw” was opened at 19:50:43
13 UTC and “E101_REV_A_P1.tcw” was opened at 19:57:07 UTC. Neither the of
14 these files exists on Mr. Wang’s computer. However, I saw no evidence of deletion
15 of .tcw files from Mr. Wang’s computer.

16 23. I was also able to recover the majority of the 32 files that FTI had been
17 unable to recover as of June 2022. I recovered 22 of these files directly from the
18 unallocated space or volume shadow copies on Mr. Wang’s computer. *See Exhibit*
19 **C3.** These files included 21 files that appear to be related to wiring schematics and
20 one .mp4 file that appears to be a blank video (i.e., like it was recorded by a camera
21 with a cap over the lens). I understand these files have been or will be made available
22 to Moog in discovery.

23 24. The remaining 10 files consisted of three .bak files⁴ and seven .pdf files
24 that were created on Wang’s Skyrise laptop between February 23, 2022 and
25 March 16, 2022. These files were all deleted from Mr. Wang’s recycle bin sometime
26 on or after March 25, 2022. The original filenames are not known. The current
27 filenames are a result of an automatic process that occurs when a file is sent to the

28 ⁴Files 34, 36, 37, 38, 41, 42, 44, 45, 47, 48.

1 Recycle Bin which renames files to a random name beginning with the \$R
2 characters. BRG compared the date timestamps of the 10 unrecovered files to file
3 activity surrounding that time frame on the Skyrise laptop to attempt to match these
4 unrecovered files to other files existing on Mr. Wang's computer or Google Drive.
5 *See Exhibit C4.* By analyzing the surrounding user activity BRG was able to match
6 8 out of 10 unrecovered files to other files containing similar characteristics such as
7 filename, date timestamps, and file size on Skyrise's systems, and I understand these
8 8 matching files have been or will be made available to Moog in discovery. The 2
9 unmatched .pdfs, which appear to be similar to other files that I was able to match,
10 do not appear to have been opened or accessed by Mr. Wang.

11 25. For the three .bak files, I was able to locate native copies of the .tcw
12 files from which they were created, either on Mr. Wang's computer or his Google
13 Drive account. I understand these native .tcw files have been made available to
14 Moog in discovery.

15 26. **File 37 (\$RCW326T.bak)** was created on February 23, 2022, and was
16 last accessed on February 25, 2022, at 03:07:34 UTC. User activity indicates that
17 the "Harness_System_Interconnect_Diagram.tcw" file contains a matching last
18 modified date timestamp (February 25, 2022 at 03:07:34) which suggests that
19 TurboCAD generated \$RCW326T.bak as a backup file when
20 "Harness_System_Interconnect_Diagram.tcw" was opened in TurboCAD. I located
21 a copy of the "Harness_System_Interconnect_Diagram.tcw" file on Mr. Wang's
22 Google Drive. I understand this file has been made available to Moog in discovery.

23 27. **File 36 (\$RAFAODZ.bak)** was created on March 8, 2022, and last
24 accessed on March 12, 2022, at 02:06:00 UTC. User activity indicates that the
25 "DATA_HARNESS_E_SIZE.tcw" file contains a matching last modified date
26 timestamp (March 12, 2022, at 02:06:00 UTC) which suggests that TurboCAD
27 generated \$RAFAODZ.bak as a backup file when
28 "DATA_HARNESS_E_SIZE.tcw" was opened in TurboCAD. I located a copy of

1 “DATA_HARNESS_E_SIZE.tcw” on Mr. Wang’s computer. I understand this file
2 has been made available to Moog in discovery.

3 28. **File 44 (\$RLQGPEI.bak)** was created on March 11, 2022, and last
4 accessed on March 16, 2022, at 01:54:43 UTC. User activity references 2
5 TurboCAD drawings opened from Mr. Wang’s computer that contain a matching
6 timestamp. “E101_REV_A_EMA_HARNESS.tcw” and
7 “E101_REV_A_EMA_HARNESS_old.tcw” both have a last modified timestamp
8 of March 16, 2022, at 01:54:43 UTC. Both records of the drawings indicate the files
9 contain the same file size and the same file creation date of February 24, 2022, at
10 18:59 UTC. This evidence suggests that TurboCAD generated \$RLQGPEI.bak as a
11 backup file when “E101_REV_A_EMA_HARNESS.tcw” or
12 “E101_REV_A_EMA_HARNESS_old.tcw” was opened in TurboCAD. I located a
13 copy of “E101_REV_A_EMA_HARNESS.tcw” on Mr. Wang’s Google Drive and
14 a copy of “E101_REV_A_EMA_HARNESS_old.tcw” on his computer. I
15 understand these files have been made available to Moog in discovery.

16 29. For five of the seven .pdf files I was able to use file sizes, creation dates,
17 and access dates to match them to other .pdf files located on Mr. Wang’s computer
18 or his Google drive.

19 30. **File 42 (\$RK85BFZ.pdf)** was created on March 12, 2022, at 00:18:00
20 UTC on Mr. Wang’s computer. User activity records reference a pdf file named “
21 夜に駆ける - 完整版Lilyflute Cover.pdf” that was also created on March 12, 2022,
22 at 00:18:00 UTC on Mr. Wang’s computer. This evidence suggests that “夜に駆け
23 る - 完整版Lilyflute Cover.pdf” and \$RK85BFZ.pdf are copies of the same file. I
24 located a copy of “夜に駆ける - 完整版Lilyflute Cover.pdf” in Mr. Wang’s
25 Skyryse email as an attachment, which I understand has been made available to
26 Moog in discovery.

27 31. **File 38 (\$RDCFMOT.pdf)** was created and last modified on
28 March 12, 2022, at 01:02:39 UTC. Two pdf files

1 (“EXAMPLE_E101_REV_A_EMA_HARNESS_draft.pdf” and
2 “E101_REV_A_EMA_HARNESS_draft.pdf”) were also created and last modified
3 on March 12, 2022, at 01:02:39 UTC on Mr. Wang’s computer. Both files also
4 contain the same file size (1128625 bytes) as File 38. This evidence suggests that
5 “EXAMPLE_E101_REV_A_EMA_HARNESS_draft.pdf”,
6 “E101_REV_A_EMA_HARNESS_draft.pdf”, and \$RDCFMOT.pdf are copies of
7 the same file. I located a copy of
8 “EXAMPLE_E101_REV_A_EMA_HARNESS_draft.pdf” as an attachment in Mr.
9 Wang’s email account. I also located a copy of
10 “E101_REV_A_EMA_HARNESS_draft.pdf” in the Slack application. I understand
11 both of these files have been made available to Moog in discovery.

12 32. **File 48 (\$RTRHG74.pdf) and File 45 (\$RPAFI13.pdf)** were both
13 created on March 16, 2022, at 17:48:11 UTC. Forensic records indicate that another
14 file, “E101_A_EMA_HARNESS.pdf” file was created in multiple locations around
15 the same time, including on March 16, 2022, at 17:51:14 UTC, at 18:02:49 UTC,
16 and at 18:22:41 respectively.⁵ This evidence suggests that \$RTRHG74.pdf and
17 \$RPAFI13.pdf are the copies of the same files as “E101_A_EMA_HARNESS.pdf.”
18 I located all three copies of “E101_A_EMA_HARNESS.pdf” on Mr. Wang’s
19 computer. I understand all three copies have been made available to Moog in
20 discovery.

21 33. **File 34 (\$R0HUXP5.pdf)** was created on March 16, 2022 at 17:51:14
22 UTC and was last modified on March 16, 2022, at 18:00:49 UTC and has a file size
23 of 964911 bytes. User activity on Mr. Wang’s computer references a file
24 (“C:\Users\Alex Wang\Desktop\temp print\E101_A_EMA_HARNESS.pdf”) that
25 was created on March 16, 2022, at 17:51:14 and also last modified on March 16,
26 2022, at 18:00:49 and also has a matching file size of 964911 bytes. This evidence

27 ⁵ I was unable to determine a “created on” date for this file from Mr. Wang’s user
28 activity. That is likely because he never opened the file and, therefore, no such data
was generated in his log of user activity.

1 suggests that “E101_A_EMA_HARNESS.pdf” and \$R0HUXP5.pdf are copies of
2 the same file. I located a copy of “E101_A_EMA_HARNESS.pdf” on Mr. Wang’s
3 computer. I understand this file has been made available to Moog in discovery.

4 34. There were only two files from FTI’s list of 277 files that I was not able
5 to recover or match. Based on the forensic artifacts I reviewed, however, it appears
6 likely these files are related to other files that I was able to recover or match.

7 35. **File 41 (\$RIQYKOX.pdf)** was created on March 11, 2022, at 23:43:14
8 UTC on Mr. Wang’s computer. Internet records indicate that on March 11, 2022, at
9 23:43:14 UTC a “.pdf” file was downloaded from the internet and saved to the
10 location “C:\Users\Alex Wang\Downloads\霍爾的移動城堡 - Lilyflute cover.pdf.”
11 I was not able to locate the March 11 copy of “霍爾的移動城堡 - Lilyflute
12 cover.pdf” on Mr. Wang’s computer. However, I did locate a copy of a file named “
13 夜に駆ける - 完整版Lilyflute Cover.pdf” that Mr. Wang downloaded on March 12.
14 *See supra* ¶ 30.

15 36. **File 47 (\$RR6YNY0.pdf)** was created on March 16, 2022, at 17:46:18
16 UTC. User activity indicates that the file “E101_A_EMA_HARNESS_1.pdf” was
17 accessed on Mr. Wang’s computer on March 16, 2022, at 17:46:18 UTC. I was
18 unable to locate a copy of “E101_A_EMA_HARNESS_1.pdf” on Mr. Wang’s
19 computer. However, I did locate multiple copies of files beginning with
20 “E101_A_EMA_HARNESS” on Mr. Wang’s computer. *See supra* ¶¶ 32-33. I
21 understand those files have been made available to Moog in discovery.

22 37. In summary, I was able to recover or match 275 of the 277 files that
23 FTI identified Mr. Wang as having deleted from his Skyrise computer after the filing
24 of Moog’s complaint. Moreover, the two files I was unable to recover or match
25 appear likely similar to the many files I was able to recover.

26 **B. Analysis of Alex Wang Deletion Activity**

27 38. In addition to analyzing the deleted files identified by FTI, I also re-
28 analyzed Mr. Wang’s recycle bin deletion activity. In addition to the 277 files

1 identified by FTI, I also identified another seven files or folders that had been sent
2 to Mr. Wang's recycle bin (284 total). These seven files included one forensic
3 artifact that referred to a recovered file, four folders, 2 of which are related to a video
4 game and 2 that appear to have been empty when deleted, and two files, a system
5 file and an application installation file that do not hold user content. FTI may have
6 excluded these files from its initial count for those reasons.

7 39. **File 1 (\$IBHMXLB.pdf)** was created on March 22, 2022. This file is
8 a computer artifact that refers to the location "C:\Users\Alex
9 Wang\Desktop\E101_REV_A_EMA_HARNESS_draft.pdf." I located a copy of
10 this file on Mr. Wang's Google Drive. *See supra* ¶ 31.

11 40. **Folders 35 (\$R7MGLD5) and 39 (\$RDSHJU5)** were created on
12 March 12, 2022 and March 4, 2022 respectively. These folders appear empty and
13 did not contain any files at the time they were deleted.

14 41. **Folders 297 (gamesaves) and 59 (The Witcher 3)** were created on
15 March 28, 2022. These folders contained the Witcher 3 videogame files described
16 above *supra* ¶ 13.

17 42. **File 63 (desktop.ini)** was created on March 17, 2022. This file is a
18 system file that is hidden from the user and does not contain user content. Rather, it
19 is used by the system to customize the way in which a Windows folder is displayed.

20 43. **File 2 (SOLIDWORKS_2021_SP5.1.zip)** was created on March 21,
21 2022. This file is a SolidWorks application installation file that does not contain
22 user content. Rather, it is used to install the SolidWorks program on a user's
23 computer.

24 **III. Tri Dao**

25 44. I have reviewed the Ivanti log produced by Moog that allegedly
26 represents the transfer of files from Tri Dao's Moog issued computer to external
27 USB storage devices. I identified the 39,278 files copied to the external USB device
28 as referenced in Mr. Pixley's March 16th declaration.

1 45. Of the 39,278 files copied to the external USB drive, 3,299 files are
2 found within the “Atmel Microcontroller” folder. My research, which includes
3 reviewing publicly available information, indicates that an Atmel Microcontroller is
4 a commercially available third-party product that can be used in electronic projects.
5 An additional 9,525 files are found within a “CircuitPython” folder. My research
6 indicates that CircuitPython is a programming language used to learn to code on
7 low-cost microcontroller boards. An additional 4,137 files are found in a
8 “MyArduino” folder. Arduino is a commercially available third-party platform
9 often used by hobbyists to create electronic projects. Another 4,327 files are found
10 in a “HDHomerun” folder. HDHomeRun is a third-party product designed to allow
11 individuals to watch live and recorded television programs on a computer network.
12 Another 5,600 files are found in a “Ballard_Drivers” folder. A driver is a set of
13 instructions that allows a computer to understand how to use a device that is
14 connected to it. For example, a printer driver must be installed on a computer before
15 a printer can be used to print a file. Mr. Pixley does not specify which if any of the
16 39,278 files contain alleged confidential or proprietary data owned by Moog nor
17 does it appear that he has done anything to determine whether any of the files contain
18 such Moog confidential or proprietary data. I understand from Mr. Baer’s
19 declaration that these do not appear to be Moog confidential or proprietary
20 information. Baer Decl. ¶¶ 93-94.

21 46. Mr. Pixley states in paragraph 21 of his March 16th declaration that
22 7,679 files of the 39,278 files that were copied to an external USB device were later
23 copied to Tri Dao’s Skyrise issued computer on February 15, 2022. The files copied
24 to the Skyrise laptop are all found within a “MyArduino” folder. The vast majority,
25 7,366 files, are found within a “My_Tutorials” subfolder. Mr. Pixley does not
26 indicate which if any of these files contain alleged Moog confidential or proprietary
27 information nor does it appear that he has done anything to determine whether any
28 of the files contain Moog confidential or proprietary data. I understand from Mr.

1 Baer's declaration that these do not appear to be Moog confidential or proprietary
2 information. Baer Decl. ¶¶ 93-94.

3 47. The only two files that were opened from the "C:\temp\MyArduino"
4 folder are 2 Python programming scripts
5 ("C:\temp\MyArduino\Python\THS720A.py" and
6 "C:\temp\MyArduino\Python\THS720_test.py").

7 48. I understand from Mr. Pixley's declaration and emails produced by
8 Moog that Mr. Pixley did not consider Moog's investigation of Tri Dao's devices by
9 Ian Bagnald in January 2022. See MOOG0020055. I understand that Moog
10 undertook an investigation in January 2022 and determined that the data transfers
11 were related to Mr. Dao's work at Moog and deemed appropriate. *Id.*

12 **IV. Eric Chung**

13 49. In paragraph 16 of Mr. Pixley's March 16th declaration, he identifies 11
14 Excel spreadsheets located on Eric Chung's Skyrise issued computer with an
15 application metadata creation date of June 6, 2015, and that 9 of these Excel
16 spreadsheets were modified after March 11, 2022. I understand further analysis of
17 the 11 spreadsheets can be found in Mr. Baer's declaration. Baer Decl. ¶¶ 63-65.

18 50. In Mr. Baer's declaration, he analyzes several zip files from Eric
19 Chung's Moog laptop (A0016) ("MOOOG-04208.A0016.Container/Bravo 2 – Gen
20 Purpose/root/ALIN (Thumbdrive 12:2:2018)/Alin's Stuff/ASTE-1.zip"). The file
21 created date for this zip file is May 13, 2011. In this instance, it indicates when the
22 contents of the zip were packaged together. The files included within the zip file do
23 not have a file created date associated with them as this piece of metadata is lost
24 when the items are packaged into a zip file. Each file included within the zip file
25 does retain the last modified date which indicates the last time the file was modified
26 before being packaged in the zip file. The last modified dates for the files included
27 in the ASTE-1.zip file range from June 10, 2007 to May 13, 2011 which I understand
28 from Moog's complaint is before Alin Pilkington worked at Moog on or around July

1 2012. Compl. ¶ 12.

2 **V. Reid Raithel**

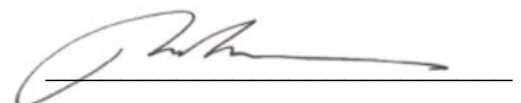
3 51. I analyzed Reid Raithel's Moog laptop and confirmed there were two
4 Samsung USB hard drives connected to this laptop with serial numbers
5 8073E7654321 (which Moog refers to as "USB 1") and CF1798654321 (which
6 Moog refers to as "USB 2"). The Ivanti Log from Mr. Raithel's Moog laptop
7 indicates that over 27,000 files were copied to USB 2. Of these files, the file
8 referenced in paragraph 47 of Mr. Pixley's declaration was copied to USB Drive 2
9 which was connected to Mr. Raithel's Moog laptop on January 4, 2022.

10 52. I understand from Mr. Pixley's declaration that Raithel left USB 1 at
11 Moog. I reviewed the logs on Mr. Raithel's Skyrise laptop that record the disks
12 and volumes connected to it. The logs contain disk and volume history that extend
13 between January 10, 2022 and April 8, 2022. The logs contain no indication that a
14 device like "USB 2" was ever connected to Mr. Raithel's Skyrise laptop.

15 53. I understand from Mr. Pixley's declaration and emails produced by
16 Moog that Mr. Pixley did not consider Moog's investigation of Reid Raithel's
17 devices by Ian Bagnald in January 2022. *See* MOOG0020059. I understand
18 Mr. Pixley provided an opinion that it could not be known what was transferred from
19 Mr. Raithel's Moog laptop.

20
21 I declare that the foregoing is true and correct under penalty of perjury under
22 the laws of the United States of America.

23 Executed on this 24th day of April, 2023.

24
25
26 

27 Michael Bandemer
28